

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM A. NEWSOM,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-673-GMS
)	
BUREAU CHIEF PAUL HOWARD, et al.,)	JURY TRIAL REQUESTED
)	
Defendants.)	

**STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants Bureau Chief Paul Howard, Commissioner Stanley Taylor and Deputy Warden David Pierce ("State Defendants") hereby respond to Plaintiff's Request for Production of Documents ("Request for Production"):

GENERAL OBJECTIONS

1. State Defendants object to the Request for Production to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege.
2. State Defendants object to the Request for Production to the extent that it purports to require supplementation of these responses beyond that required by Federal Rule of Civil Procedure 26(e).
3. State Defendants object to the Request for Production to the extent that it purports to place duties upon them not set forth in, or contemplated by, the Federal Rules of Civil Procedure.
4. State Defendants object to the Request for Production to the extent that it

purports to seek information or documents not in their possession, custody or control.

5. State Defendants object to the Request for Production to the extent that it seeks the production of documents equally available to Plaintiff or Plaintiff's counsel. Such documents will be identified by Defendants, but will not be produced.

6. State Defendants object to the Request for Production to the extent that it purports to require production of information or documents which are impractical or unduly burdensome to reproduce.

7. State Defendants object to the Request for Production to the extent that it seeks the production of documents generated by or received from counsel for Defendants in connection with this litigation on or after the date of the acceptance of representation on the grounds that such documents are protected by attorney-client and work product privileges.

RESPONSES

Subject to, and without waiver of the foregoing General Objections and those set forth in State Defendants' Responses, State Defendants respond, after a reasonable search, and subject to supplementation, as follows:

1. Any and all medical records and medical x-rays of Plaintiff's finger from September 25, 2003 through and including the date of your response to this request.

RESPONSE: The documents, which are in State Defendants' possession, for the time period requested, are attached hereto as Exhibit A, which is filed under seal.

2. Any and all policies, procedures, regulations, instructions, notes memoranda, internal communications, electronic messages and directives in effect from September 25, 2003 through and including the date of your response to this request

concerning all defendants involved regarding the medical treatment for bone fracture and dislocation of plaintiff's finger at the Delaware Correctional Center at Smyrna, Delaware.

RESPONSE: Objection. State Defendants were not involved in providing medical care to Plaintiff. Further objection that this Request seeks information not within State Defendants' custody or control. Without waiving these objections, see Exhibit A.

3. Any notes, documents, letters, memoranda, files, records, record books, logs, grievance reports or written communications concerning complaints made against Dr. Sitta B. Alie and FIRST CORRECTIONAL MEDICAL, LLC.

RESPONSE: Objection. This Request is vague, overly broad and unduly burdensome. Further objection that this Request seeks information not within State Defendants' custody or control. Further objection that this Request seeks information not relevant to the claims set forth in the complaint and is not reasonably calculated to lead to the discovery of admissible evidence.

4. Any and all certificates, degrees, credentials, and licenses held by Dr. Sitta B. Alie that allowed her to practice medicine under her professional title of "doctor" at the Delaware Corr. Cntr. at Smyrna, Delaware.

RESPONSE: Objection. This Request seeks information not within State Defendants' custody or control. Further objection that this Request seeks information not relevant to the claims set forth in the complaint and is not reasonably calculated to lead to the discovery of admissible evidence.

5. Any and all documents, notes, memoranda, internal communications, electronic messages and directives that were issued from September 25, 2003 through and including the date of your response to this request concerning the termination of Dr.

Sitta B. Alie's practice as Doctor within the Delaware Correctional Center at Smyrna, Delaware.

RESPONSE: See Response to Request No. 3.

6. Any and all policies, procedures, regulations, instructions and directives in effect from September 25, 2003 through and including the date of your response to this request concerning the hiring practices of any and all staff members of FIRST CORRECTIONAL MEDICAL, LLC.

RESPONSE: See Response to Request No. 3.

7. Any and all documents, agreements, regulations, policies, procedures and contracts from September 25, 2003 through and including the date of your response to this request concerning the Department of Corrections contracting the services of FIRST CORRECTIONAL MEDICAL, LLC.

RESPONSE: Objection. This Request is vague, overly broad and unduly burdensome. Further objection that this Request seeks information not relevant to the claims set forth in the complaint and is not reasonably calculated to lead to the discovery of admissible evidence.

8. Any and all documents, letters, memoranda, internal messages, electronic messages, policies, procedures and regulations in effect from September 25, 2003 through and including the date of your response to this request concerning the Department of Corrections terminating its contract with FIRST CORRECTIONAL MEDICAL, LLC.

RESPONSE: See Response to Request No. 7.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

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Dated: August 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2006, I electronically filed *State Defendants' Response to Plaintiff's Request for Production of Documents* with the Clerk of Court using CM/ECF. I hereby certify that on August 4, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: William Newsom.

/s/ Eileen Kelly
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